
WISCONSIN LEGISLATIVE COUNCIL STAFF

**2001 ANNUAL REPORT ON THE
LEGISLATIVE COUNCIL RULES CLEARINGHOUSE***

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* This Report was prepared by Ronald Sklansky, Director, and Richard Sweet, Assistant Director, Rules Clearinghouse, Legislative Council.

FUNCTION OF THE LEGISLATIVE COUNCIL **RULES CLEARINGHOUSE**

REVIEW OF RULES

Legislative review of proposed administrative rules begins with the submission of a rule to the Legislative Council Rules Clearinghouse. Section 227.15, Stats., requires that, prior to any public hearing on a proposed rule or prior to notification of the presiding officer of each house of the Legislature if no hearing is held, an agency must submit the proposed rule to the Legislative Council Rules Clearinghouse for staff review. (See the *Administrative Rules Procedures Manual* (September 1998), prepared by the Legislative Council and the Revisor of Statutes Bureau, for more information on drafting, promulgating and reviewing administrative rules.)

The Legislative Council is provided 20 working days, following receipt of a proposed rule, to prepare a report on its review of the rule. However, with the consent of the Director of the Legislative Council, the review period may be extended for an additional 20 working days.

Upon receipt of a proposed administrative rule, a Clearinghouse rule number is assigned and submission of the rule is recorded in the *Bulletin of Proceedings* of the Wisconsin Legislature. Two numbered rule jackets, one for the Assembly and one for the Senate are prepared.

The Director of the Rules Clearinghouse assigns the rule to a Legislative Council staff member for review and preparation of the statutorily required report. The staff member generally prepares the report within 10 working days and transmits the report to the Director or Assistant Director for final review. When the report on the proposed rule is completed, the staff returns the rule jackets and the Clearinghouse report containing the results of the review to the agency. [See **Appendix 1** for a sample Clearinghouse report.]

In accordance with s. 227.15, Stats., the Clearinghouse report:

1. Reviews the statutory authority under which the agency intends to adopt the rule.
2. Reviews the proposed rule for form, style and placement in the Wisconsin Administrative Code.
3. Reviews the proposed rule to avoid conflict with, or duplication of, existing rules.
4. Reviews the proposed rule to ensure that it provides adequate references to related statutes, rules and forms.
5. Reviews the language of the proposed rule for clarity, grammar and punctuation and to ensure the use of plain language.

6. Reviews the proposed rule to determine potential conflicts and to make comparisons with related federal regulations.

7. Reviews the proposed rule to determine whether the agency has specified the number of business days within which the agency will review and make a determination on an application for a business permit.

As part of this review process, staff of the Legislative Council is directed to ensure that procedures for the promulgation of the rule are followed, as required by ch. 227, Stats., and to streamline and simplify the rule-making process.

OTHER RELATED RESPONSIBILITIES

Other primary rule review responsibilities of the Legislative Council include:

1. Working with and assisting the appropriate legislative committees throughout the rule-making process.

2. Notifying the Joint Committee for Review of Administrative Rules (JCRAR) and appropriate committees of the Legislature whenever the rule-making authority of an agency is eliminated or significantly changed by the repeal, amendment or creation of a statute, by the interpretive decision of a court of competent jurisdiction or for any other reason.

3. Assisting the public in resolving problems related to administrative rules. This function includes providing information, identifying agency personnel who may be contacted in relation to rule-making functions, describing locations where copies of rules, proposed rules and forms are available and encouraging and assisting participation in the rule-making process.

The final responsibility of the Legislative Council is the submission of an annual report to the chief clerk of each house of the Legislature and to the Governor summarizing any action taken by the staff and making recommendations to streamline the rule-making process and eliminate obsolete, duplicative and conflicting rules. This report is the 22nd *Annual Report* submitted by the Legislative Council and covers the staff's activities during calendar year 2001. It has been preceded by an initial report to the 1979 Legislature, which covered the staff's activities from November 2, 1979 to April 1, 1980 (i.e., from the effective date of Ch. 34, Laws of 1979, which initiated the omnibus rule review process, to the end of Floorperiod IV of the 1979 Session) and annual reports for calendar years 1980 to 2000.

RECORDKEEPING SYSTEM

The Legislature's *Bulletin of Proceedings* is used for recording actions relating to the review of administrative rules. The Legislative Council, the Senate and Assembly Chief Clerks and the Legislative Reference Bureau cooperate in a computerized recordkeeping system. Commencing with the 1979 Session, action on administrative rules has been shown in a separate part of the *Bulletin of Proceedings*.

Under this system, each proposed rule is assigned a number and entered in the computer by the staff of the Legislative Council. A copy of the Clearinghouse report is placed in a Senate and Assembly rule jacket (similar to bill jackets) and the rule is then transmitted to the agency promulgating the rule for its review. After transmittal, all legislative actions taken on the rule are entered on the face of the jacket and are reported to the chief clerk of each house. The chief clerk enters the actions in the computerized system, thereby compiling a history of all legislative actions taken on a rule.

At the beginning of each biennial session, the administrative rule portion of the *Bulletin of Proceedings* is updated by deletion of all records relating to rules which, in the preceding session, have become effective, have been withdrawn or have been permanently objected to by law. Also removed from the *Bulletin of Proceedings* annually and withdrawn from the rule-making process is any proposed rule that, in accordance with s. 227.14 (6) (c), Stats., has been pending for at least four years, but no more than five years, after the date of its receipt by the Legislative Council under s. 227.15 (1), Stats. The final *Bulletin of Proceedings* printed for the preceding session then serves as the permanent record of the disposition of those rules. The remaining rules, which are still in the promulgation process, are carried over into the new *Bulletin of Proceedings* for the following biennial session.

Access to rules and agency reports over the Internet became available in 2001 for all rules initiated after 2000. These materials may be found at the Legislature's website, www.legis.state.wi.us, by using the Joint Legislative Council and staff icon.

2001 ACTIVITIES OF THE RULES CLEARINGHOUSE

During 2001, 157 proposed administrative rules were submitted to the Legislative Council by 20 state agencies.

As of December 31, 2001, Clearinghouse reports had been completed on 138 of the 157 proposed rules and 18 rules were in the process of review. One rule was withdrawn from the process by an agency prior to the preparation of a Clearinghouse report. In addition to the 138 rule reports completed on 2001 rules, reports were prepared in 2001 on 20 rules received in late 2000. Of the 158 reports completed in 2001, no rule required an extension of the review process by the Director of the Legislative Council. Clearinghouse activities in 2001 are summarized below:

Rules Received in 2001		157
Withdrawn	1	
No report required	0	
Pending	18	
		-19
2001 Reports Completed		138
2000 Reports Completed in January 2001		+20
Total Reports in 2001		158

The table below shows that, from November 2, 1979 (the beginning of the omnibus rule review process) through December 31, 2001, the Clearinghouse has received 4,845 rule submissions and completed reviews on 4,743 proposed rules. Of the total rule submissions, 84 were exempt from the reporting process for various reasons and 18 were under review at the end of 2001.

<i>Year</i>	<i>Received</i>	<i>Completed</i>	<i>Exempt</i>
1979	70	45	12
1980	252	227	24
1981	252	234	9
1982	251	254	3
1983	222	220	4
1984	255	247	2
1985	213	206	4
1986	251	252	4
1987	182	186	1
1988	219	216	5
1989	212	208	1
1990	264	254	3
1991	199	205	2
1992	225	228	0
1993	241	232	1
1994	225	234	0
1995	236	224	2
1996	194	201	1
1997	158	159	1
1998	208	200	2
1999	170	177	1
2000	189	176	1
2001	157	158	1
Total	4,845	4,743	84

In 2001, rules were received from the following 20 state agencies:

Number of Proposed Rules, by Submitting Agency

Department of Administration	4
Department of Agriculture, Trade and Consumer Protection	12
Department of Commerce	16
Department of Corrections	1
Department of Employee Trust Funds	1
Department of Employment Relations	2
Department of Financial Institutions	7
Department of Health and Family Services	11
Department of Natural Resources	30
Department of Public Instruction	6
Department of Regulation and Licensing	38
Department of Revenue	2
Department of Transportation	12
Department of Workforce Development	4
Division of Hearings and Appeals	1
Higher Educational Aids Board	2
Office of the Commissioner of Insurance	4
Public Service Commission	2
Technical College System Board	1
Wisconsin Employment Relations Commission	1
Total	157

Although the statistics presented in this report give some indication of the workload of the Legislative Council staff in reviewing proposed administrative rules, it should be noted that rules vary in length. Similarly, Clearinghouse reports vary from completion of a simple check-list to large reports. In summary, for all rule reports completed in 2001, the Legislative Council staff commented on:

1. The *statutory authority* of a proposed administrative rule on 25 occasions.
2. The *form, style and placement* of proposed administrative rules in the Wisconsin Administrative Code on 104 occasions.
3. A *conflict with, or duplication of*, existing rules on one occasion.
4. The *adequacy of references* of proposed administrative rules to related statutes, rules and forms on 64 occasions.

5. *Clarity, grammar, punctuation and use of plain language* in proposed administrative rules on 110 occasions.

6. The *potential conflicts* of proposed administrative rules with, and their comparability to, related federal regulations on two occasions. In addition, the Legislative Council staff has adopted a policy of noting when proposed rules are based on federal “*guidelines*,” which do not have the force of law, as opposed to rules based on federal “*regulations*,” which do have the force of law and with which the state may have a legal obligation to comply.

7. The *permit action deadline requirement* on no occasions.

WORKING WITH AND ASSISTING COMMITTEES

A Legislative Council staff attorney or analyst works with each standing committee, except Joint Finance. When a committee has a proposed rule referred to it by the presiding officer of the house, the staff member will participate in the committee’s oversight.

During 2001, legislative committees held hearings or requested meetings on **39 proposed rules**. Modifications to rules were either requested or received in the legislative review of **14 proposed rules**. **Five rules** were objected to by a committee.

As a result of committee activities, **five rule objections** were subject to JCRAR jurisdiction in 2001. The JCRAR nonconcurred in two objections and objected to two rules. Jurisdiction over an additional rule was continued by JCRAR into 2002.

The table below reviews legislative committee activity in the review of proposed administrative rules beginning on November 2, 1979 and ending on December 31, 2001.

LEGISLATIVE REVIEW OF PROPOSED ADMINISTRATIVE RULES (November 2, 1979 Through December 31, 2001)*						
Year	Rules Submitted	Rules Subject to Modification	Committee Review Objections	JCRAR Rule Objections	Enacted Laws Following Rule Objections	Enactments by Session Law and Other Description of Bills Introduced Following Rule Objections
11/2/79-80	322	18	5	1	0	No bill introduced, rule withdrawn
1981	252	29	10	4	4	Chapters 20 (SEC. 1561), 26, 31 and 180, Laws of 1981
1982	251	31	4	1	1	1983 Wisconsin Act 94
1983	222	30	5	0	0	--
1984	255	26	2	2	2	1983 Wisconsin Act 310 and 1985 Wisconsin Act 29 (SEC. 826)
1985	213	37	8	3	2	♦1985 Wisconsin Act 29 (SECS. 1059r and 2238ng to 2238or) ♦1985 Assembly Bill 460, passed and vetoed; override failed
1986	251	30	1	0	0	--
1987	182	30	5	0	0	--
1988	219	38	4	0	0	--
1989	212	22	6	2	0	♦1989 Senate Bill 89 and 1989 Assembly Bill 171 (failed to pass) ♦1989 Senate Bill 248 and 1989 Assembly Bill 457 (failed to pass)
1990	264	29	2	1	0	♦1991 Senate Bill 24 and 1991 Assembly Bill 71 (failed to pass)
1991	199	19	5	1	0	♦1991 Senate Bill 442 and 1991 Assembly Bill 840 (failed to pass after rule objected to withdrawn by agency)
1992	225	33	3	2	1	♦1993 Wisconsin Act 9 ♦1993 Senate Bill 3 and 1993 Assembly Bill 17 (failed to pass)
1993	241	24	1	0	0	--
1994	225	29	3	0	0	--
1995	236	19	0	0	0	--
1996	194	19	1	1	1	Late introduction in 1995 Session: ♦1997 Assembly Bill 5 and 1997 Senate Bill 20 (failed to pass) ♦1997 Wisconsin Act 237 (SECS. 320s, 322d and 322e)
1997	158	19	6	0	0	--
1998	208	15	0	0	0	--
1999	170	18	2	1	0	--
2000	189	20	2	1	1	♦1999 Wisconsin Act 178

Year	Rules Submitted	Rules Subject to Modification	Committee Review Objections	JCRAR Rule Objections	Enacted Laws Following Rule Objections	Enactments by Session Law and Other Description of Bills Introduced Following Rule Objections
2001	157	14	5	2	0	<ul style="list-style-type: none"> ◆2001 Assembly Bill 18 and Senate Bill 2 (based on 2000 objection; Assembly Bill 18 failed to pass in Assembly and Senate Bill 2 nonconcurred in by Assembly) ◆2001 Assembly Bill 524 and Senate Bill 267 (pending) ◆2001 Assembly Bill 697 and Senate Bill 361 (pending)
TOTAL	4,845	549	80	22	12 (PLUS ONE BILL PASSED AND VETOED; VETO NOT OVERRIDDEN)	

* The general system of legislative review of proposed administrative rules, primarily embodied in ss. 227.15 and 227.19, Stats., took effect on November 2, 1979, as part of Ch. 34, Laws of 1979.

ELECTRONIC ACCESS

In 2001, the Legislature, through its service agencies, began providing electronic access to all proposed administrative rules submitted to the Clearinghouse. The new system mirrors the process already in place for legislative proposals. That is, interested persons will be able to use the Internet to search for proposed rules directly or to link to them from the Legislature's Bulletin of Proceedings. The site will hold the initial version of the proposed rule, all modified versions of the proposed rule submitted to the Legislature, and the related agency report to the Legislature. Electronic access is available for proposed rules submitted to the Clearinghouse after the year 2000.

NOTICE OF CHANGE IN RULE-MAKING AUTHORITY

To date, no court decisions or changes in legislation have been brought to the attention of the Legislative Council Staff that would require notification of JCRAR or appropriate standing committees of a change in, or the elimination of, agency rule-making authority.

ASSISTING ADMINISTRATIVE AGENCIES

The Legislative Council staff has responded to numerous questions from agency personnel, relating to both the process and the law governing legislative review of proposed rules.

REVISION OF STATUTES DEALING WITH ADMINISTRATIVE RULE-MAKING

There were no significant changes made to the statutes regulating the legislative review of administrative rules.

PUBLIC LIAISON

To date, the Legislative Council staff has received minimal requests from the public. These infrequent questions have either concerned aspects of the rule review procedure or have related to the status of specific rules.

RS:RNS;jal;rv;ksm

APPENDIX 1
SAMPLE CLEARINGHOUSE REPORT



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **01-123**

AN ORDER to create chapter VFF-EMT 1, relating to a length of service award program for volunteer firefighters and emergency medical technicians.

Submitted by **DEPARTMENT OF ADMINISTRATION**

10-25-01 RECEIVED BY LEGISLATIVE COUNCIL.

11-21-01 REPORT SENT TO AGENCY.

RS:MM:jal;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES ☒ NO ☐

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES ☒ NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES ☐ NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES ☒ NO ☐

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES ☒ NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES ☐ NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

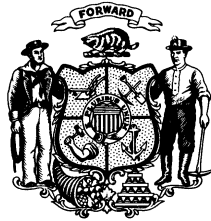
Comment Attached YES ☐ NO ☒

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CLEARINGHOUSE RULE 01-123

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

a. It appears that s. VFF-EMT 1.03 (16) is in conflict with s. 16.25 (3) (b) Stats., because it provides that first responders may participate in the program. The statute provides that only volunteer fire fighters (VFFs) and emergency medical technicians (EMTs) may participate. “Emergency medical technician,” as defined in s. 146.50 (1) (e), Stats., does not include first responders.

b. It is not clear whether s. VFF-EMT 1.07 (2), which allows a fully vested VFF-EMT who has already received a length-of-service award upon reaching age 60 to receive additional amounts under the program, complies with the statute. Section 16.25 (3) (g), Stats., does not appear to provide for any length-of-service contributions on behalf of, or awards to, a VFF-EMT who has already received a length-of-service award upon becoming fully vested and reaching age 60. In essence, the rule provision appears to provide for the capture of federal funds for immediate payment to a VFF-EMT without applying any new vesting requirements to the new account. What statutory authority exists for this provision?

c. Section VFF-EMT 1.12 (1) appears to limit the board to contracting with only one entity to act as a program administrator. Is this the intention of the rule? If not, the rule should clearly state that the board may contract with more than one entity. It appears that the statute

contemplates that the board will contract with several entities to serve as program administrators, to ensure that municipalities have several plans from which to choose. See s. 16.257 (3) (c), Stats., which states that “the municipality may select from among the plans offered by individuals or organizations under contract with the board”

d. It appears that s. VFF-EMT 1.12 (2), which states that the board “may consider” the financial strength of a program administrator or an entity affiliated with the program administrator, does not meet the requirement, set forth in s. 16.25 (4) (a), Stats., that the board “. . . shall develop criteria of financial stability that each individual and organization must meet in order to offer the services and plans under the program.”

e. Section VFF-EMT 1.17 should be expanded to establish a process by which a VFF or EMT may appeal to the board any decision made by the department or by an individual or organization under contract with the board that affects a substantial interest of the VFF or EMT under the program, as required by s. 16.25 (5), Stats.

2. Form, Style and Placement in Administrative Code

a. Each provision of rule text in a SECTION should be preceded with the notation “VFF-EMT.”

b. The rule should be reviewed to ensure that terms are used consistently. For example, s. VFF-EMT 1.03 (1) refers to “a VFF-EMT” while s. VFF-EMT 1.03 (2) refers to “an eligible VFF-EMT,” even though it appears that both provisions are referring to the same type of person. Another example can be found in s. VFF-EMT 1.12 (1) (a) to (c), which appear to use the terms “investment products” and “investment options” interchangeably. Also, some provisions of the rule refer to the “program administrator” while other provisions refer to the “administrator.” Note that the term “program administrator” is a defined term in s. VFF-EMT 1.03 (13); this is the term that should be used.

c. In ss. VFF-EMT 1.05 and 1.07, the phrase “program administrator or designee” is used. The definition of the term “program administrator” should be amended to include the program administrator’s designee. If this action is taken, the phrase “or designee” can be deleted.

d. In s. VFF-EMT 1.05 (2) (c), “shall” should be changed to “may.”

e. In s. VFF-EMT 1.05 (3), the word “section” should be replaced by the notation “s.”

f. In s. VFF-EMT 1.06 (1) (d), the word “must” should be replaced by the word “shall.”

g. In s. VFF-EMT 1.07 (7), the phrase “in the event that” should be replaced by the word “if.”

h. The title to s. VFF-EMT 1.08 (2) does not accurately describe the contents of that subsection and should be changed. Also, the phrase “that municipality” should be replaced by the phrase “a participating municipality.”

i. In s. VFF-EMT 1.08 (3), the word “must” should be replaced by the word “shall.”

j. The phrase “and officially supported by the board,” in s. VFF-EMT 1.12 (1), is unnecessary and should be deleted.

k. In s. VFF-EMT 1.12 (1) (intro.), the final phrase should read: “The program administrator awarded the contract shall comply with all of the following:”. The following paragraphs all should begin with a verb; for example, par. (a) should begin with the phrase “Have at least five years experience”

l. Many of the items set forth in s. VFF-EMT 1.12 (1) (b) and (c) appear to be required elements of program administration and therefore should be moved to s. VFF-EMT 1.13.

m. In s. VFF-EMT 1.14 (1), the phrase “is responsible to” should be replaced by the word “shall.”

n. In s. VFF-EMT 1.16, “such” should be changed to “the” and “must” should be replaced by “shall.”

o. In s. VFF-EMT 1.17 (1), the phrase “in its discretion” is unnecessary and should be deleted.

4. Adequacy of References to Related Statutes, Rules and Forms

a. Section VFF-EMT 1.03, which should be renumbered as s. VFF-EMT 1.01, should list s. 16.25 (5), Stats., as a source of statutory authority for promulgation of the rule.

b. Section VFF-EMT 1.04 (2) refers to a form. The requirements of s. 227.14 (3), Stats., should be met.

c. In s. VFF-EMT 1.07 (5), the correct rule citation is s. VFF-EMT 1.06 (1) (a).

d. In s. VFF-EMT 1.09 (4) (b), the reference “s. VFF-EMT 1.09 (3) (c)” should be replaced by a reference to “sub. (3) (c).”

e. The citation in s. VFF-EMT 1.12 (1) (a) should be changed to “section 457 of the internal revenue code.”

f. The citations in ss. VFF-EMT 1.13 (1) (b) and 1.14 (3) are incorrect and should be changed.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. VFF-EMT 1.02, it appears that the phrase “participants, which provides” should be replaced by the phrase “participants who provide.”

b. In s. VFF-EMT 1.04 (4), “jointly” should be inserted before “authorize.”

c. Should s. VFF-EMT 1.06 specify that the number of years of prior service for which a participating municipality may contribute may not exceed the number of years of service provided by the VFF-EMT to that municipality prior to the time that the municipality began participation in the program?

d. In s. VFF-EMT 1.06 (1) (c), it appears that the first occurrence of the word “in” should be replaced by the word “on.”

e. Section VFF-EMT 1.06 (1) (e) refers to “the schedule of payments required under its agreement with a program administrator.” It does not appear that the rule requires a municipality and program administrator to establish a schedule of payments for contributions made for prior service.

f. Section VFF-EMT 1.07 (1) uses the term “credited service.” It is unclear what is meant by this term, since it is not defined.

g. In s. VFF-EMT 1.07 (3) (b), it appears that the word “section” in the last sentence should be replaced by the word “subsection.” In sub. (3) (c), the word “that” should be replaced by the word “who.”

h. Section VFF-EMT 1.07 (7) is unclear. Does it mean that a VFF-EMT who has met all requirements for one year of service for two different municipalities in the same year may receive a year of credit from only one of those municipalities? If so, what is the statutory basis for this limitation? This point should be clarified.

i. Is there any limitation on the length of a leave of absence under s. VFF-EMT 1.09 (2) (a)?

j. In s. VFF-EMT 1.09 (3) (b), the notation “par.” should be replaced by the notation “s.”

k. Section VFF-EMT 1.09 (3) (c) should state the conditions under which the administrator of a frozen account must make payments from a frozen account.

l. In s. VFF-EMT 1.10 (1), “immediately” is unnecessary and should be deleted.

m. In s. VFF-EMT 1.10 (2), “held by the VFF-EMT” should be inserted after “account.”

n. What is the “site” referred to in s. VFF-EMT 1.11 (2)?

- o. The rule should specify what is to be done with accounts held by a program administrator that ceases to provide administrative services for any reason.
- p. Section VFF-EMT 1.12 should set forth timelines for the requests for proposal process.
- q. To whom must the opinions referred to in s. VFF-EMT 1.13 (1) (k) be provided?
- r. Section VFF-EMT 1.15 should clarify what it means to “amend a program.”
- s. The reference to s. VFF-EMT 1.06 (1) (e), in s. VFF-EMT 1.16, provides meager guidance for a participating municipality that terminates a program. Section VFF-EMT 1.16 should set forth in detail the steps which must be followed by the municipality that terminates a program.
- t. Section VFF-EMT 1.17 provides that determinations are to be made “within 30 days” and “within 90 days.” The rule should clearly state the event that triggers the running of the 30- or 90-day period. Presumably, these periods begin running when the appropriate authorities receive fully documented appeals.

APPENDIX 2
PROCESSING INSTRUCTIONS TO AGENCY HEADS

